

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDIANA STATE DISTRICT COUNCIL OF
LABORERS AND HOD CARRIERS
PENSION FUND, Derivatively on Behalf of
Electronics for Imaging, Inc., *et al.*,

Plaintiffs,

v.

GUY GECHT, *et al.*,

Defendants.

and

ELECTRONICS FOR IMAGING, INC., a
Delaware Corporation

Nominal Defendant.

CITY OF ANN ARBOR EMPLOYEES'
RETIREMENT SYSTEM, *et al.*,

Plaintiffs,

v.

GUY GECHT, *et al.*,

Defendants.

and

ELECTRONICS FOR IMAGING, INC., a
Delaware Corporation

Nominal Defendant.

No. C-06-7274 EMC

**ORDER RE BRIEFING SCHEDULE AND
HEARING ON DEFENDANT
UNTERBERG'S MOTION TO
CONSOLIDATE AND STAY**

No. C-06-7453 EMC

1 TRUEMAN PARISH, *et al.*,

No. C-07-0698 MEJ

2 Plaintiffs,

3 v.

4 DAN AVIDA, *et al.*

5 Defendants.

6 and

7 ELECTRONICS FOR IMAGING, INC., a
8 Delaware Corporation

9 Nominal Defendant.

10 _____/

11
12 The Court has related three lawsuits filed in this District: (1) *Indiana State District Council*
13 *of Laborers & HOD Carriers Pension Fund v. Gecht*, No. C-06-7274 EMC; (2) *City of Ann Arbor*
14 *Employees' Retirement System v. Gecht*, No. C-06-7453 EMC; and (3) *Parish v. Avida*, No. C-07-
15 0698 EMC. Currently pending is Defendant Thomas I. Unterberg's motion to consolidate all three
16 actions and to stay the cases (excepting the motion to remand in the *Ann Arbor* case) pending
17 resolution of the motion to consolidate and filing of consolidated complaint.

18 Although Mr. Unterberg has labeled the motion an administrative motion, it is not properly
19 characterized as such. *See* Civ. L.R. 7-11 (providing that, in the course of proceedings, a party may
20 need a court order with respect to a miscellaneous administrative matter not otherwise governed by,
21 *inter alia*, a Federal or Local Rule; noting that administrative motions are motions such as those to
22 exceed page limitations or to file documents under seal). The Court therefore treats the motion as a
23 motion governed by Civil Local Rule 7-2. On the other hand, because Mr. Unterberg is asking for a
24 stay of proceedings pending resolution of the motion to consolidate, the Court will shorten time on
25 the request for a stay.

26 Any opposition to the motion to stay shall be filed by February 21, 2007. Unless otherwise
27 ordered, the Court will rule on the motion to stay on the papers.

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1 As for the motion to consolidate, it shall be heard on **March 14, 2007, at 10:30 a.m.** The
2 initial case management conference for all three actions shall be rescheduled for the **same day and**
3 **time.** Any opposition to the motion to consolidate shall be filed by February 26, 2007, and a reply
4 by March 5, 2007. Although this hearing date gives Plaintiffs only thirty days notice, and not thirty-
5 five, *see* Civ. L.R. 7-2, it will not unduly prejudice them. Similarly, although this briefing schedule
6 does not comport with Civil Local Rule 7-3, it will not unduly prejudice either Plaintiffs or
7 Defendants.

8 IT IS SO ORDERED.

9
10 Dated: February 13, 2007



EDWARD M. CHEN
United States Magistrate Judge